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	Application No.	Applicant(s)	
Notice of Allowability	10/089,049	ERNST ET AL.	
	Examiner	Art Unit	
	J. Pasterczyk	1755	
The MAILING DATE of this communication appeal All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R	(OR REMAINS) CLOSED in or other appropriate commu IGHTS. This application is su	this application. If not inclunication will be mailed in du	ided ie course. THIS
1. This communication is responsive to amendment of 9/3/04	1, telephonic interview of 9/23	<u>//04</u> .	
2. The allowed claim(s) is/are <u>1-3,5-10 and 14-18</u> .			•
3. The drawings filed on are accepted by the Examine	er.		
 4. Acknowledgment is made of a claim for foreign priority unally All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority do International Bureau (PCT Rule 17.2(a)). 	e been received. e been received in Application	n No	cation from the
* Certified copies not received:			
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	MENT of this application.		
5. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give	nitted. Note the attached EXA ses reason(s) why the oath or	MINER'S AMENDMENT or declaration is deficient.	NOTICE OF
6. \square CORRECTED DRAWINGS (as "replacement sheets") must			
(a) ☐ including changes required by the Notice of Draftspers	son's Patent Drawing Review	(PTO-948) attached	
1) ☐ hereto or 2) ☐ to Paper No./Mail Date			
(b) ☐ including changes required by the attached Examiner' Paper No./Mail Date	's Amendment / Comment or	in the Office action of	
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t			the back) of
7. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT	osit of BIOLOGICAL MATE FOR THE DEPOSIT OF BIC	RIAL must be submitted LOGICAL MATERIAL.	I. Note the
Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5. ☐ Notice of Inf	ormal Patent Application (F	PTO-152)
2. \square Notice of Draftperson's Patent Drawing Review (PTO-948)		ımmary (PTO-413),	
3. Information Disclosure Statements (PTO-1449 or PTO/SB/		Mail Date <u>9/23/04</u> . Amendment/Comment	
Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit	8. 🛛 Examiner's	Statement of Reasons for A	Allowance
of Biological Material	9. ☐ Other	Mark L. Bell Supervisory Patent E	xaminer
		Technology Center	r 1700

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1. This Office action is in response to the amendment filed 9/3/04 and the telephonic interview of 9/23/04 and refers to the first Office action mailed 5/3/04.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the claims: in claim 5, change "claim 4" to --claim 1--.

In claim 7, in the structure, change "B" to --R--; in the penultimate line remove the comma after "100 kg"; in the fifth line after the structure change "C₅" to --C₆--; in 1. 4-5 from the end delete ", preferably a C₁-C₄-alkyl radical".

Add the following new claim: --Claim 18. The process of claim 7 wherein G is a C₁-C₄-alkyl radical.--

In the abstract: at the end of the current abstract add -- The polymerization catalyst is a metallocene, and the melting or softening point of the polyolefin made using the catalyst is at least 20 °C lower than that of the prepolymerized polyolefin --

- 3. Authorization for this examiner's amendment was given in a telephone interview with Arthur Crawford, Esq., on 9/23/04.
- 4. The following is an examiner's statement of reasons for allowance: none of the prior art of record fairly discloses or teaches a process for preparing polyolefins in which the difference in melting or softening point between the prepolymerized metallocene catalyst and the polymer made using it is at least 20 °C. Although some of the art cited discloses using different olefins for the polymerization and the prepolymerization, generally that art refers to Ziegler-

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Natta catalysts, which are quite different in chemistry from metallocene catalysts, and although

the problem to be solved by the present claims, namely reducing the fouling of polymerization

reactors with prepolymerized catalyst particles, is old, the solution appears to be novel and

unobvious over the prior art. The examiner's amendments merely address minor issues of form.

5. Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to J. Pasterczyk whose telephone number is 571-272-1375. The

examiner can normally be reached on M-F from 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mark Bell, can be reached at 571-272-1362. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Pasterczyk

Masters

9/23/04

Merk L. Bell

Supervisory Patent Examiner

Technology Center 1700